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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,831	05/19/2004	James F. Bredt	ZCO-100	4783
51414 7590 12/18/2008 GOODWIN PROCTER LLP PATENT ADMINISTRATOR 53 STATE STREET EXCHANGE PLACE BOSTON, MA 02109-2881				
EXAMINER AHMED, SHEEBA				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
12/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/848,831

Applicant(s)

BREDT ET AL.

Examiner

SHEEBA AHMED

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5, 7, 9, 10, 14-19, 22-24, 76, 78, 80, 82, 83 and 88-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 4, 5, 7, 9, 10, 14-19, 22-24, 76, 78, 80, 82 and 88-107 is/are allowed.
- 6) ☒ Claim(s) 83 is/are rejected.
- 7) ☒ Claim(s) 108 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-848)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/08: 12/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 22, 2008 has been entered.

Response to Amendments

2. Amendments to claims 1, 4, 10, and 82 have been entered in the above-identified application. Claims 3, 6, 8, 11-13, 20, 21, 25-75, 77, 79, 81, 84-87 have been cancelled. Claims 88-108 are new. **Claims 1, 2, 4, 5, 7, 9, 10, 14-19, 22-24, 76, 78, 80, 82, 83, and 88-108 are pending.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 83 is rejected under 35 U.S.C. 102(b) as being anticipated by Lauchenauer (US 4,649,077).

Lauchenauer disclose a heat activatable adhesive formed from at least two components each in the form of discrete, flowable particles which are capable of adhering in abutment of one particle with another to provide an open structured, porous matrix. The adhesive may be in the form of a sheet formed by blending the particles of each component, applying the mechanical mixture to a supporting sheet, heating the mixture and supporting sheet to the temperature at which the material with the lowest tackifying temperature becomes tacky, applying pressure sufficient to partially flatten the largest particles to a degree such that their minimum dimension is substantially equivalent to the thickness of the layer formed on said support sheet and during or after said pressure application. Components useful as components in the sheet are for instance: thermoplastic polymers: polymeric hydrocarbons (e.g. polyethylene, polypropylene), acrylates, polyesters, polyamides (in particular terpolymers), vinyl compounds (e.g. polyvinylacetates), copolymerisates of olefinic, acrylic and vinyl monomers, block polymers, mixtures of polymers, polyurethanes (including elastomeric polyurethanes), polylactones, polylactames. Any polymer capable of being tackified if heated to a temperature in the range of 50 to 200°C. may be used. The mixture of polymers may contain agents lowering the tackifying temperature or increasing tackiness. One method consists in incorporating an auxiliary agent capable of strongly swelling or even dissolving at least one of the interacting components, this auxiliary agent being released or activated only when proper heat and/or pressure are applied to

the conglomeratic material. The Examples show that a two-component conglomeratic sheet material, capable of being thermally activated, was produced by scattering a mixture of 60% by weight of a high density polyethylene and 40% of a polyamide terpolymer onto a release paper and a mixture of 50 parts of polyethylene and 100 parts of cellulose acetate partly hydrolyzed was applied by scattering particles onto a release paper.

Response to Arguments

4. Applicants traverse the rejection of claim 83 under 35 U.S.C. 102(b) as being anticipated by Lauchenauer (US 4,649,077) and submit that it is clear that Lauchenauer does not teach or suggest an article including the product of a loose and free-flowing particulate mixture and a fluid, as required by claim 83.

However, the Examiner disagrees. Lauchenauer disclose a heat activatable adhesive formed from at least two components each in the form of discrete, flowable particles which are capable of adhering in abutment of one particle with another wherein mixture incorporates an auxiliary agent capable of strongly swelling or ***even dissolving at least one of the interacting components*** (See Column 5, lines 11-25) and hence meet the limitation of applying a fluid that at least partially dissolves the adhesive particles. Hence, this rejection is maintained.

Allowable Subject Matter

5. Claims 1, 2, 4, 5, 7, 9, 10, 14-19, 22-24, 76, 78, 80, 82, and 88-107 are allowed.

Claim 108 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEEBA AHMED whose telephone number is (571)272-1504. The examiner can normally be reached on Monday-Friday from 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571)272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sheeba Ahmed/
Primary Examiner, Art Unit 1794